THE VIRGINIA GAZETTE, AND GENERAL ADVERTISER.

RICHMOND—PRINTED (EVERY WEDNESDAY AND SATURDAY) BY [illegible]STINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

No. 1170.] WEDNESDAY, DECEMBER 28, 1803. [VOLUME XVIII.

ADVERTISEMENT.

HAVING this day revoked the power or Letter of Attorney, by me some years ago given to William Wickham, Nathaniel Pope, and John Hix, (now deceased) and having now duly appointed my friend Benjamin B. Ford, of the city of Richmond, my only true and lawful attorney in fact, with full authority to do, and perform for me, all matters and things whatsoever relating to my personal estate, of every nature and kind; I do therefore hereby notify the same to the public, that no person or persons may hereafter pay or transact business of any kind with my said former attornies affecting my interests in any manner whatever: but that all persons indebted to me, or having business to transact with me, in any manner relating to my personal estate, may make payment to or transact such business with Mr. Ford, who alone as aforesaid has full authority for those purposes.

ROBERT DUNCAN.

December 14, 1803.

Notice is hereby given,

To the Stockholders of the BANK of ALEXANDRIA, that an Election will be held at the Court house in this Town, on the third Monday in January next, for the purpose of choosing nine Directors of said Bank for the ensuing year, agreeable to charter.

By order of the President and Directors.

GURDEN CHAPIN, *Cashier.*

December 15.

FOR SALE,

A tract of Land,

CONTAINING 338 acres, by a late survey, one third uncleared, with the half of a valuable GRIST MILL, adjoining the same, in the county of Hanover, on Chickahomony Swamp, about twelve miles from Richmond. The land has on it a convenient dwelling house, kitchen, dairy and three good barns, one of which is commodious and lately built; also a valuable orchard, producing a sufficiency of fruit every other year to make from 250 to 300 gallons of brandy. The mill is situated within a quarter of a mile of the dwelling house, in a good neighborhood, and receives annually from 130 to 150 barrels of toll corn.

If the above property is not disposed of before the 2d day of January next, it will be sold then to the highest bidder, the terms being made known on that day.

THOMAS NORVELL.

December 18, 1803.

James River Company.

THE subscriber is authorised to receive proposals for furnishing Good White Oak Scantling and Plank for making Lockgates, for the James River Company.

Those disposed to undertake, will be informed of particulars on application to

Robert Pollard.

December 19th, 1803. 30w3w

Charlotte Court, 6th June, 1803.

John Dennis, *Plaintiff,* } AGAINST Blow & Barkesdale, *Defendants.* } *In Chancery.*

THE defendant Barkesdale not having entered his appearance according to the act of Assembly and the rules of this Court, and it appearing to the satisfaction of the court that he is not an inhabitant of this state. On the motion of the plaintiff by his attorney, it is ordered that he appear here on the fist day of November court next, and answer the plaintiff's bill, that a copy of this order be inserted in one of the Virginia Gazettes for two months successively, and posted at the front door of the courthouse of the said county.

A Copy—Teste,

Thomas Read, Clerk.

Virginia:

At a Superior Court of Chancery

for the Richmond District, September 11, 1803.

BETWEEN

William Fenwick, surviving partner of Heathcote & Fenwick Plaintiff,

AND

Francis Rice, Francis Nalle, George Rice, Burke Rice, William Rice, Elizabeth Rice, Rose Rice and Mary Rice, Frances Rice, Joseph Slaughter, and ——— ———, late sheriff of Culpeper county Defendants.

THE defendants George Rice, Burke Rice, William Rice, Elizabeth Rice, Rose Rice and Mary Rice, and Frances Rice, Joseph Slaughter, and Joseph Strother, late Sheriff of Culpepper county, not having entered their appearance and given security according to the act of assembly, and the rules of this court, and it appearing to the satisfaction of the Court that they are not inhabitants of this country: On the motion of the plaintiff, by his counsel, *it is ordered* that the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper in the city of Richmond, for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste, P. TINSLEY, c. c.

L. PECK & Co.

HAVE for sale, a few casks of first rate Goshen CHEESES, and two or three patent COTTON MACHINES, calculated to work by hand, by draft, or by water. They also offer to contract for the delivering here from 50 to 100 likely MULES, for the next season, as they have done the last two seasons. Apply to Luman Bishop, at the late office of the Recorder on Market Square.

Richmond, December 5th, 1803. 12awtf.

ADVERTISEMENT.

Will be Sold to the highest bidder for Cash, at Charlotte Court House, on the first Monday in January next, being court day,

A MOIETY of that valuable Saw and Grist Mill, and 105 acres of Land adjoining, lying on Falling River in the county of Campbell, about two miles from the mouth of Falling river, where it unites Staunton River. The situation of the Mill has so many advantages they cannot fail the notice of the public. The quantity of excellent PINE TIMBER near this Mill affords a never failing Stock of Timber suitable for Plank; and the situation for Grist Mill, as well as for a Manufacturing Mill, and on a never failing stream, deserves the notice of the enterprising. At this time the Mill is much out of repair.

John Daniel, Jun.

Adm'r. of Samuel Price, dec.

December 22, 1803. eptds

Twenty Dollars Reward.

RUN away from the Manchester Turnpike, on the 10th inst. a light Mulatto Man named JACK, about 24 or 25 years old, rather over the middle statue, a bad countenance when spoken to, large mouth with a bushy head of hair; his clothing such as labourers usually wear, which he may probably change. I have reason to suspect he will endeavor to make his way to some of the northern states and pass as a free man: it is highly probable he may have obtained a free pass. All persons are hereby warned against carrying him out of the state, or entertaining or employing him in any capacity whatever.

The above reward shall be paid to any person who will deliver him to me, or Ten Dollars if he is lodged in any jail in the state, and information given to me so that I get him again.

W. Trueheart.

Hanover county, Dec. 20th, 1803. 3w.

TO BE SOLD,

At Powhatan Courthouse, on Wednesday the first of February next, about twenty

SLAVES,

Consisting of Men, Women and Children.

CASH will be expected for one half the purchase money; on the other half, a credit of 6 months will be allowed, on giving bonds with approved security, to bear interest from the date if not punctually paid.

William Randolph.

Wilton, Dec. 22, 1803.

NOTICE.

The Co-Partnership of

WINFREY & McINTIRE,

WAS, by mutual consent, dissolved this day. All persons having claims against the said concern, are requested to make them known; and those indebted are also requested to make immediate payment to Obediah Winfrey, who is authorised to settle all accounts of the concern.

O. Winfrey.

Rob. McIntire.

December 22, 1803. 2p.

O. WINFREY,

BEGS leave to inform the public, that he will continue to carry on the business on his own acount at the same place, which is in Chesterfield county, about 2 miles from Manchester, on the Turn Pike road.

Dec. 22, 1803. 2p*

Just Received,

And for sale at this Office, a few copies of a Pamphlet, entitled,

"*A Refutation of the Charges made by a writer under the signature of "VERITAS," against the character of GABRIEL JONES—the lately acknowledged author being the Honorable* PHILIP GRIMES, *Member of the Council of State.*

☞ *ALL persons in arrear to the Printer of this paper, for subscription and for the publication of advertisements, are respectfully solicited to make payment of their respective balances by the 31st of the present month.*

Those gentlemen who have been so friendly as to receive accounts for the purpose of collecting, will be so obliging as to transmit the sums collected, accompanied with the accounts that have not been discharged, at or before the above mentioned period.

A few copies of

HENING's JUSTICE,

For sale at this Office.

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Debate on the Louisiana Treaty.

Tuesday, October 25.

Mr. RODNEY's speech concluded.

It does apper to me that the right of acquiring territory must be included in the treaty making power; as there are very few treaties, which are not merely commercial, that do not change the property belonging to the nations. And if this principal power be contained in the treaty making provision, every incidental power, is of consequence to be considered as fairly embraced within it, and I should deem this important authority as nugatory, if it did not give the President and Senate the right to accept a cession of territory. It *is* certainly not the right of the President and Senate to make such a cession conclusively binding; when it shall embrace powers within the pale of those delegated to this house, it will require our sanction. Have we not also vested in us every power necessary for carrying such a treaty into effect, in the words of the constitution, which gives Congress the authority to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." It, therefore, appears very clearly to my mind, that, according to the constitution, the United States have a right to acquire territory. If they possess this right according to the constitution, this measure cannot be said to be unconstitutional, and if not unconstitutional, as the gentlemen who have spoken against it, did not insist upon the point of inexpediency, some of them because they believed that ground was not open, and others because it was not tenable, will ultimately give it their support.

But another constitutional objection is stated.—Though the United States may acquire valid title to the territory, the hills and the groves, the rivers and the lakes, it is alledged that they have no right to bring the persons inhabiting it, into a state in which they shall enjoy the blessings of free government. My friend from Maryland (Mr. Nicholson) has observed that the article of the treaty relating to this object is most cautiously worded. If ever there was a precision of language calculated to avoid the imputation of an invasion of the constitution it is the language of this article. Its words are:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

How are these people to be admitted? According to the principles of the federal constitution. Is it an open violation of any part of the constitution? No, an express reservation is made by those who formed the treaty, that they must be admitted under the constitution. Now if admitted agreeably to the constitution, it cannot be said to be in violation of it; and if not in violation of it, the fears of gentlemen are groundless.

But as I observed before, does not the constitution refer to territory? Do not the United States possess territories now? Is the possession of territory confined by the constitution to those they now hold? I believe not; for in the constitution it is stated that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States" Here is a clear recognition of territory belonging to the United States, and not merely of territory then held, but of territory which might futurely be acquired by treaty or purchase. And if this territory be ceded to the United States, Congress have power, as soon as ceded, to make rules and regulations respecting it.

There is another sound answer to the objections of gentlemen. This is property ceded to us by the power ceding it with a particular reservation. I am not for quibbling about words or distorting terms. Taking the 7th article, and fairly considering it, it amounts to nothing more than a particular reservation; upon *delivering possession of the territory* which I take to be the true meaning of the language which is used; and will any gentleman say that accepting the treaty, under this stipulation, will not be most advantageous to us? What individual state will be affected by it more than any other? Does it give the state of Massachusetts an advantage over New-York? I would be glad to know what state it particularly affects, and in what way? "No preference," says the constitution, "shall be given by any regulation of commerce or revenue to the ports of one state over those of another." In what way, under this treaty, is there any preference of one port over another? I would be glad to see it pointed out, and to be shewn whether there is any preference of Delaware over Massachusetts, or of Virginia over Georgia. No. The constitution adverts to *states* themselves; and the distinction between *states* and *territories* is not based on reason. Whence the necessity of the distinction? When territories grow into states, and become represented in the public councils, a majority of them may league together, and carry into effect regulations prejudicial to other states. Hence the constitution provids that in all commercial regulations all the states shall be equally affected. But such a league cannot be effected by territories, which have no Senators in the other branch, and in this only the voice, without the vote of a single delegate. Independent of this consideration is this: if by any particular territorial regulation the territory of the United States is benefited, that territory being the common property of the United States, a public stock in which they all share, every state in the union reaps alike the benefit.

These are my reasons for considering this measure perfectly constitutional. I might dwell upon other reasons corroborative of this conviction; but these have been so ably enforced by my friends from Virginia and Maryland, and by other gentlemen, as to render more remarks superfluous. I cannot, however, avoid noticing the observation made yesterday and reiterated to-day that we do not know whether we have a title to this territory, or whether it be not the purchase of so many acres of mere moon-shine. I voted yesterday for some papers because I wished beyond all cavil or dispute to establish the constitutional right of this House to call for papers, and from of some gentlemen who considered them important, not from any doubts of my own as to the validity of the title. The publicity of the cession of Louisiana by Spain, its former owner, to France, is too notorious; it has been noticed, dilated on and recognized in the British Parliament in the Senate of the United States. We have not in our possession, it is true, the original treaty of St. Ildefonso, nor the subsequent one, concluded between France and Spain at Madrid, which referred to the former, for we were not furnished with duplicates of either, nor have we the testimony of the king of Etruria to prove that every stipulation contained in them, was strictly complied with, poor man he is no more.—We have not sent a commissioner to Madrid or St. Cloud to take the examination of the ministers of Spain and France, to obtain their evidence in order to verify the fact, of all conditions having been performed by France on her part; but we have seen in the papers which record the transactions of the times, the arrival of a French prefect of Louisiana at New-Orleans announced. We have read his proclamation to the inhabitants of that country informing them of the cession, and, if I mistake not, our own government has received through the proper channel intelligence of the same event, which has been duly published. All these circumstances combined, are satisfactory to my mind on this subject. No fact in the history of nations can be more rationally proven, and gentlemen should recollect that they rely on the same kind of testimony (the letter of Mr. King to the answer of Lord Hawkesbury) when they confess themselves satisfied that England is agreed to this measure.

I would further observe from the course which the debate has taken, that if we had all the papers and documents, which the gentlemen desire, agreeably to the mode of argument which they have adopted, they might object to passing the necessary laws, until we had got possession of the country, and at the same time object to our taking possession, without laws to authorise it. By thus arguing in a circle as the logicians term it, they would most effectually defeat an object of the first importance to the community, and render the acquisition of an inestimable territory, of as little value as the same extent of moon-light or star-light. With these impressions, believing the measure a good one and consistent with the constitution, I shall most cheerfully give my vote for carrying into effect.

Dr. Mitchell rose, and said, he entreated the indulgence of the committee, for rising at so late a stage of the debate, when seven hours have already been employed in the sitting of the day. And the reason of his request was, that such extraordinary doctrines have been advanced against carrying into effect the treaty with France which cedes Louisiana to our nation, and such repeated allusions have been made to the sentiments which he submitted to the house during the debate of yesterday, that he felt himself called upon to attempt a reply, and therein to shew that the grounds taken by the gentlemen of the opposition are neither strong nor tenable. Although the subject is ample and copious, he should endeavor to condence his remarks, to so moderate a compass, as not to trespass long upon the patience of the committee.

My colleague, said Mr. M. who opened the debate this morning, (Mr. G. Griswold) displayed in his speech the objections raised against the resolution on the table, that he almost exhausted the subject. For in listening attentively to the reasoning of the gentleman from Virginia, who followed him (Mr. J. Lewis) and of the other gentleman from Virginia, who spoke next, (Mr. Griffin) he could not discern that any new or additional matter of consequence had been urged. Nor did he discover much more than a repetition in substance of his colleague's reasoning, in what had been urged by the gentleman from Massachusetts (Mr. Thatcher,) and the gentleman from Connecticut (Mr. R. Griswold;) though the statement of their objections had received a form and coloring diversified according to the skill and ingenuity of each.

In the reply which he should make to the gentleman in opposition to the appropriations for carrying the treaty into operation, he should not examine their arguments severally as they had been brought forward in the course of the debate. That mode would necessarily lead him into tedious and needless repetition. He should therefore endeavor to reduce all the arguments he had heard from the other side of the house into their elementary propositions, and having done so, to shew that they were weak in their nature and wrong in their direction. And even this view of the question would be much circumscribed, on account of the strong and masterly manner in which a part of the objections had been already repelled by his eloquent friend from Virgi-

nia, (Mr. J. Randolph) and by the impressive remarks of his other friend from Delaware (Mr. Rodney.)

The gentlemen, Mr. Chairman, who resist the provisions necessary to the completion of this treaty, do so because they say it has been ratified by the President and Senate in open violation of the constitution of the United States, and is therefore no treaty, but a nullity, an instrument void *ab initio*, not a part of the supreme law of the land, and consequently not binding upon Congress or the nation. They draw this bold and extraordinary conclusion from the style and meaning of the 3d and 7th articles of the treaty. The former of these, they say, is unconstitutional, because it proposes to annex a new territory, with its inhabitants, to our present dominion; and the latter, because it abolishes for a term of years the discriminating duties of tonnage and impost within the ceded territory, giving a preference there to France and Spain, and leaving those unaltered in all the ports of the union.

By the 3d article, it is agreed that the inhabitants of the ceded territory shall be incorporated into the union of the United States as soon as possible, according to the principles of the federal constitution, and be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

On expounding this article, my colleague has declared that the President and Senate have no power to acquire new territory by treaty, and he argues that our people are to be forever confined to their present limits. This is an assertion direcly contrary to the powers inherent in independent nations, and contradictory to the frequent and allowed exercise of that power in our own nation. We are constantly in the practice of receiving territory by cession from the Red Men of the west, the aborigines of our country. The very treaty mentioned in the President's message with the Kaskaskias Indians whereby we have acquired a large extent of land, would, according to the doctrine, be unconstitutional: and so would all treaties which add to the size of our statute book, with the numerous tribes of the natives on our frontiers. According to this construction, all our negociations so happily concluded with those people, whom we ever have uniformly acknowledged as the sovereigns of the soil, are nugatory, and are to be holden for nought. He said, he was perfectly aware of the answer which would be made, that we held all our national domain, under Great Britain, by virtue of the treaty concluded at Paris in 1783. What, after all, was the amount of that cession by England? Certainly not a conveyance of a country which never was theirs, but righfully belonged to the Indian natives; for it was in its true construction, merely a *quit claim* of the pretensions or title to the land which the English had obtained by conquest and treaty from the French. By that negociation, the United States obtained a bare *relidquishment* of the claims and possessions of those two powerful nations. But the paramount title of the original inhabitants was not affected by this. However contemptuously the rights of these rude and feeble tribes had been regarded by the Europeans, their descendants in these states had considered them with recognition and respect. Until the Indians sold their lands for an equivalent, the humane an just principles of the American government acknowledged them to be the only legitimate owners. And the sovereignty acquired by treaty or purchase to our government was derived from the title which the natives transferred to them as grantees in a fair bargain and sale. Such, Mr. M. argued were the rules of the construction, and these rules admitted and acted upon by the federal government; and yet according to the doctrine of the day, every treaty with the natives for parcels of their country, although hitherto deemed lawful, would be an unconstitutional act. According to this notion, every treaty for lands, holden with the aborigines since the organization of the government, was a violation of the constitution. And thus this invaluable instrument, this bulwark of our liberties, had been violated perhaps twenty times or more, since we began to buy the surplusage of their hunting grounds. The Indian tribes are as much aliens as any other foreign nations. Their lands are as much foreign dominion as the soil of France or Spain. Yet we have gone on to annex the territories which they sold us, to our present territory, from the time we acquired independence, and no mortal, until this debate arose, Mr. Chairman, has so much as thought that thereby a breach of the constitution was made. My colleague is surely entitled to great credit for his perspecuity in finding out that all our great and wise predecessors in administering this government have been blunderers and constitution breakers. But, Sir, the just judgment on this subject is, that the President and Senate of the United States have heretofore acted constitutionally in acquiring by purchase foreign dominion from the alien Indians. And by parity of reasoning, they have acted not only constitutionally in acquiring by purchase, but eminently for the interest of the country, in buying Louisiana from the Whitemen, its present sovereigns.

(Dr. Mitchell's speech to be continued.)

Tuesday, December 6.

The order of the day, for the House to resolve itself into a committee on the AMENDMENT TO THE CONSTITUTION, received from the Senate was called for.

Mr. R. Griswold. The House of Representatives some time since passed a resolution, amendatory of the constitution, and sent it to the Senate for their concurrence. Of this resolution the Senate have taken no notice; but have sent us, a different resolution on the same subject. This proceeding is, I think, unprecedented and unparliamented; and I think we ought not to decide upon this resolution until the Senate shall have answered our resolution. I move, therefore, a postponement of the resolution from the Senate, until to morrow.

Mr. Elliot hoped the consideration of the resolution from the Senate would not be postponed until to-morrow. How far it was proper to impeach the correctness of the course pursued by that body, it was not for him to say. Should they, on any occasion, invade the rights or the dignity of that House, no member would be found more ready to repel the invasion. In this case the Senate have sent us a proposition, embracing the same principle contained in our amendment, with other principles. He hoped, therefore, the House would immediately proceed to give the subject that attention which its intrinsic merits deserved.

Mr Dawson only rose to correct the gentleman from Connecticut as to precedent. It must be in the recollection of every gentleman on the floor, that the Senate have frequently sent us bills on the same subject with bills sent by us to them.

Mr. R. Griswold wished the gentleman from Virginia would name an instance. He never knew a bill sent to the Senate, which they neglected acting on, and in the room of which sent one of their own.

The question was then taken on Mr. Griswold's motion, and lost—Ayes 32.

Mr. R. Griswold. I will submit another motion, to wit: that the committee of the whole be discharged from the further consideration of the resolution of the Senate. My grounds for this motion are these;—that this resolution has not been transmitted to us by a constitutional number of Senators, and therefore, that the House cannot act upon it.

Mr. Dawson enquired if the motion were in order.

Mr. Speaker said it was in order.

Mr. R. Griswold. The principle, I assume is that the resolution has not passed the Senate by a constitutional majority of that branch of the legislature. By a certificate, obtained from the secretary of that body, it appears that the resolution was passed by the votes of twenty two members in favor of it; twenty two voting in the affirmative, and ten in the negative. It is known to every gentleman that the Senate consists of 34 members, and that it consequently requires twenty three to constitute two thirds of its members. The principle, I assume, is that it requires two thirds of the members of each House to pass a resolution proposing to alter the Constitution. The article of the constitution on this point is the 5th. It is thus expressed: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendment to this Constitution."—The question is what is here meant by a House? Is it merely a majority of the Senators or Representatives; or is it the whole and entire number? To decide this point, we must refer to other parts of the constitution where the word *house* is used. I hope gentlemen will critically attend to the word used, and from that attention form their opinions. The 3rd section of the 1st article is thus expressed: "The Senate of the United States shall be composed of two Senators from each state." Two Senators then from each state are declared to constitute a Senate. A Senate of the United States cannot, therefore, be composed but of two Senators from each state. One *House* referred to in the 5th article is the Senate. If then it be necessary that there should be two members from each state to compose a Senate, the House of the Senate cannot be composed but of two members from each state. This is corroborated by other parts of the Constitution. In the 5th section of the 1st article, it is said, "Each House shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business."—A majority of each—Of what?—Of each House shall constitute a quorum to do business. This expression is a fair commentary on the other section which I have read. "A majority of each House shall constitute a quorum to do business." The inference is that the constitution, when it declares that, "the Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this constitution," requires that the proposing them shall be made by two-thirds of the whole number of members constituting the Senate.

There are cases in the constitution, where the concurrence of two thirds of each branch of the legislature is required for the performance of certain acts, which is a further commentary on this article of the constitution. In the case of impeachments it is provided that the Senate shall try all impeachments; but no person shall be convicted without the concurrence of two thirds of the *members present*. The word *present* is introduced. For what purpose, if it was not the opinion of the framers of the constitution that, without it, two thirds of all the members of the body would be necessary to a conviction?

The same expression is used in the case of treaties. The President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the *Senators present concur*." Why use here this expression "two-thirds of the Senators *present*," unless it was considered necessary to qualify the expression, from the conviction that otherwise it would mean two thirds of the whole body?

On this ground I apprehend that this resolution has not come constitutionally before us. It has not passed the Senate with the concurrence of two-thirds of the whole body. It has only received the votes of twenty two Senators; which do not make two thirds. I therefore move that the committee of the whole be discharged from the further consideration of it.

Mr. J. Randolph. There are frequent occasions on which it is necessary to answer doctrines advanced, not on account of their intrinsic merit, but on account of the weight of character of those by whom they are advanced. This is one of those cases.—Had the arguments delivered to day by the gentleman from Connecticut fallen from a less respectable quarter, I should have deemed them unworthy of reply, and have satisfied myself with a silent vote.

The gentleman, with an ingenuity peculiarly unfortunate, has quoted the very clauses and sections of the Constitution which disprove the opinions he has advanced. To these I beg the attention of the House for a moment. He has attempted to sustain the position that *two thirds of both Houses* must imply two thirds of the whole number of each House refpectively.—If I have misstated the gentleman, I beg to be corrected [Mr R. here panse l.] As there is no disposition to correct my statement, I presume I am correct. If this be the case, are we at this moment a House? If the term *House* means the whole number of members, can there be a House unless the whole number are present? Can there, therefore, be a House or a Senate so long as a single member is absent

But it is said that the Constitution, wisely forseeing this dilemma, has provided that a majority of each House shall constitute a quorum to do business—Now I ask is a majority a quorum or a House? If it is not a House, but merely a quorum, it will be absolutely necessary that we alter our language as well as our journals, and say, not that the House, but a quorum met to transact business, &c.

"Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member." Will the gentleman hold on this floor that it requires two thirds of the whole body to expel a disorderly member? Will he deny that two thirds of those present may expel in such a case, and that they are competent in all cases mentioned in the Constitution? I will call the attention of the House to a fact. The session befor the last, the House passed an amendment to the Constitution, similar in principle to the present, by the votes of two thirds of the members present; when too, there was little more than a bare quorum present. I might answer the doctrine advanced this, by saying, the practice under the Constitution is already settled. I might ask the gentleman where was this constitutional objection then? Why was it permitted to sleep? Why was the house permitted to do so unconstitutional an act, when there was but a bare quorum? I should be glad to receive to these questions a satisfactory answer

'Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the Yeas & nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the Journal."—Now, according to the doctrine of the gentleman, unless the whole body is present, the Yeas and Nays cannot be entered, because there is no House unless all the members, are present.

The gentleman enquires why the Constitution has so sedulously directed that in certain cases the concurrence of two thirds of the members present shall be required. For an obvious reason. The Constitution could not ascertain the number of which the two Houses would consist, from their varying numbers, and therefore has required, that in certain cases, two thirds of those present shall be required.

The article of the Constitution, on which the gentleman relies, is that "Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments."—When two third shall deem it necessary. The sense then in this case is to be determined by the exposition given to the term *House*. I again ask have, or have not the the House met today? They have. I ask are we so met the House of Representatives? We indubitably are. I ask, whether it is not in order to move to expel a disorderly member, or to adjourn? And I ask if the solemn business on which we are now acting shall be defeated by a mere play upon words, that would much better fit a subordinate court than this body. Believing that no doubt can be entertained of the just meaning of this article of the Constitution either by the House or by the nation, I hope the Committee of the whole will not be discharged.

Mr. Lowndes. I agree with the gentleman from Virginia that we are a House. The constitution says, that a majority shall constitute a quorum for the performance of ordinary business. But it appears to me very doubtful whether less than two thirds of the whole members of each House can pass an amendment to the constitution. It is possible that the practice of the House heretofore may settle the point. I hope therefore the House will refer it to a select committee to obtain its investigation. Until I took my seat I was not aware of the objection; but, since I have considered the subject, it does appear to me that two thirds of the whole members are necessary in this case. I will assign my reasons for this opinion. The framers of the constitution, I have no doubt, intended to oppose difficulties to the alteration of it, and therefore required the previous concurrence of two thirds of the whole members of each House, and three fourths of the legislatures of the respective states. And they did this very wisely. Without the existance of such obstacles to a change not a session of Congress would pass away, without materially altering the national compact. If this construction be adopted, the result will be certain, and it will be in the power of every man to ascertain it. If it is not, the result will be perfectly uncertain. For even less than a majority of the whole body may, in such case, propose amendments. A majority of 34 is 18. Eighteen therefore, is a majority of the Senate to do ordinary business. Two thirds of eighteen are twelve, which is less than a majority of all the members of the Senate. If then, the doctrine of the gentleman from Virginia prevail, less than a majority of all the members of the Senate and House of Representatives may propose amendments. This is not, in my opinion, the spirit of the constiution. For these reasons I am in favor of the motion with a view that the subject may be referred to a select committee.

Mr. Eustis. If the construction of the gentleman from Connecticut be correct, I will ask how it can be reconciled with the practice under the constitution, in the case of bills on which the President has put his veto. In the 7th section of the 1st act, it is provided that "every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such consideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law." I will ask, if, according to the construction of the gentleman from Connecticut, it will be in the power of the two Houses, in any cases, to pass a bill, having thus received the President's veto, unless they consist of the full number of members, which I believe will never be the case. It appears to me that a bill under such circumstances can never pass. But this doctrine does not rest here. For by the constitution amendments shall be proposed, whenever two thirds of both Houses shall deem it necessary. Now if this doctrine applies to this legislature that it must be full, it appears to me that the same requisition will apply to the legislatures who are finally to adopt the amendments proposed by Congress, Has it ever been known that either this legislature, or the legislatures of the states, were completely full. Consequently the doctrine renders it impossible for any amendment ever to be carried.

Mr. Thomas rose to state, from the Journals of the Senate in what light they contemplated the doctrine advanced by the gentleman from Connecticut By the Journal of their proceedings in the year 1789, it appears that on amendments, made by the House of Representatives, a concurrence was voted, though there were only 16 members out of 26 present. There did not appear to be any division on the passage of the amendments; but the entry was in this form.

"*In Senate, Sept. 9, 1789.*

"Resolved, That the Senate do concur in the Resolve of the House of Representatives, on "Articles to be proposed to the legislatures of the States, as amendments to the constitution of the United States," with the amendments, *two thirds of the Senators present concurring therein.*"

(Debate to be continued.

To be Rented,

THE HOUSE AND LOT

NEAR the Capitol in this city, at present occupied by the Auditor of public Accounts, whose term will expire the first of February. For terms apply to A. BLAIR.

Richmond, December 16th, 1803. tf

The Virginia Gazette.

—RICHMOND—

WEDNESDAY, DECEMBER 28, 1803.

RICHMOND PRICE CURRENT.

(Corrected Weekly.)

Tobacco, new,	36s *to* 40s; *old,* 40s	to 45s Cash.
Wheat,		6s6 to 7s6 *do.*
Flour, Fine,	from old wheat,	33s *do.*
Do. Sup.	ditto.	30s *do.*
Do. do	from new wheat,	42s *do*
Corn,	new, 15s; old,	17s6 *do.*
Hemp, Clean,		45l *to* 50l *do.*
Iron,		33l *do.*
Whiskey,		3s6d *do.*
Bacon.		8d *do.*

For the VIRGINIA GAZETTE.

(No. VIII.)

Remarks concerning the Letters of the British Spy.

The reader's attention has been already directed to the 6th letter of the British Spy. Our calumniator appears in this letter to have *congregated* as many accusations as possible, so that to analyze it with accuracy and impartiality, will require some industry in the commentator, and much patience in the reader.

I shall follow him sentence by sentence, giving *fair play* to each. The first of this description is as follows:

"*But Virginia, my dear S*******, as rapidly as*
"*her population and wealth must continue to advance,*
"*wants one most important source of solid grandeur, and that too the animating soul of a republic;*
"*I mean* PUBLIC SPIRIT, *that sacred amor patriæ*
"*which filled Greece and Rome with patriots, heroes*
"*and scholars.*"

I only ask every Virginian to read this, and put it to his own heart; if he finds a monitor there which tells him, that this accusation is true, let him with shame and remorse, tear out that base and worthless heart; let him bow to the censures of the British Spy; let him acknowledge that he disgraces and degrades the name of Virginian and man. But if he finds his soul all on fire, and his passions ready to break down the barriers of reason and social order, in pursuit of revenge against these foul calumniators, then he will readily unite with me in the decree of condemnation and detestation, which the authors and publishers of such shameless slanders deserve. Among the numberless instances of notoriety, which are within the knowledge of thousands, all contradicting this calumny, I shall mention only one, and the circumstances which relate to that, can be easily proved, if necessary.

Several years ago, the Legislature authorised, that a public Armoury should be built near the city of Richmond, and the performance of this duty was assigned to the Executive. There was no limit as to plan, price or place. After some time, a plan and situation were adopted. If the accusation of the British Spy was just, the cheapest plan and most favorable situation would have been taken. Neither of these happened. The public agents were determined, not only to erect a magnificent building, but to erect it in a conspicuous situation. The situation most favorable for these designs is that where the Armoury now stands. If there had been no natural impediments in the way, there could be no room for applauding the taste, public spirit and magnanimity of the Executive. If they had erected the Armoury about one hundred yards lower down, there was a natural valley which would have saved much digging. Or if the Armoury had been erected about two hundred yards further up, then there would have been no digging at all. Both these situations were in view, but the building would not have appeared in all its present magnificence before the Plaza of the Capitol. But before the builders could commence their operations, it was necessary, not only to dig away a promontory, through which the enterprising directors of the Canal, had a little before cut a passage at an enormous and unnecessary expence, when they might have gone round it, but to sink some thirty or forty feet below the present level for a foundation. All this digging employed much time, and was atchieved at the expence of about 25,000 dollars, for digging and carrying away dirt alone, besides other great expences of superintendents &c. looking on until the foundation should be ready. It is impossible for one man to measure the mind of another. Of course, I cannot say that this atchievement deserves, in the opinion of every one, to be esteemed an act of *public spirit*. If it is not imputable to that, I am a stranger to any other definition.

The building speaks for itself. The facts are notorious, and the expences may be ascertained by the public accounts. Nor is this all. Every body of common understanding knows, that as many substantial buildings as would have answered all the purposes of the law, could have been built for less money than has been paid for removing the dirt. As the matter is, the cost is said to be upwards of 200,000 dollars, and the annual expence of overlooking is upwards of 3000 dollars. Now if this is not a substantial and overwhelming *proof of public spirit*, I must confess my ignorance of its meaning, and the British Spy, upon this point, will obtain a victory. If this fascinating and deluding writer had taken the other side of the question, what a delightful picture and hyperbolical representation he might have made of this beautiful building, which does so much honor to the taste of the architect, and to the *public spirit* of those who employed him.

"*There seems to me to be but one object through-*
"*out the state*; to grow rich: *a passion which is*
"*visible not only in the walks of private life, but*
"*which has crept into, and poisoned every public body*
"*in the state.*"

The Legislature of Virginia, consisting of about 210 members, with about 40 others, who hover about the Capitol in the sun shine of public office and popular favor; who have been selected by the people of Virginia, to preserve their rights, to make

and administer their laws, are left to answer and repel this accusation. Among those 250, there are talents, public spirit, disinterested patriotism, honor, honesty, and every thing, which can entitle mankind to the pre-eminence, which nature seems to have designed. If these honorable and popular men can tamely cringe and fawn, and fall before the calumniating pen of the British Spy; if they can drink the bitter draught of national degradation, and personal humiliation, because the cup which contains it is made of gold, and is set round with brilliants, it will be in vain, that an anonymous writer shall oppose his single and feeble efforts to divert or check the popular torrent. It is to these honorable and much favored men, that the case is referred. Let them rouse at the call of their country's honor, and mark the slanderers with indignation.

There is an important fact of great notoriety, concerning the banking system, which proves to my mind the injustice of this accusation, and the disinterested patriotism of the Virginians.

The system of banking has become general in all the states north of the Potomac, and one has been long established in the town of Alexandria. The great influx of bank notes from the northern states into this, proves, to the satisfaction of every one, that the institutions are useful, convenient and profitable. In consideration of these facts, frequent attempts have been made to establish a bank at Richmond, but many members of the Legislature believing, that the system of banking was radically erroneous, although they have admitted the benefits which might be derived from it, with truly Spartan virtue, have rejected all the allurements of gain and stood fast to their first opinions.

It is true that there has been abundant proof and ample demonstration to shew, that the state of Virginia loses an immense sum of money, yearly by being deprived of the benefit of banks, and the patriotic legislators have themselves admitted the facts; yet having adopted the opinion, that the whole system of banking was radically wrong, they have heretofore rejected every proposal and modification.

The inevitable consequence of this stern, inflexible patriotism, cannot injure the commonwealth of Virginia less than one million of dollars per year, in the sale of her produce, and the purchase of necessaries, besides the incalculable loss of keeping down the price of lands, and compelling our merchants to be retailers and pedlars, for New-York, Philadelphia, Baltimore and Norfolk, all which truths and allurements are opposed by a stern, inflexible patriotism, which neither yields to the persuasions of eloquence, to the force of argument, to the allurements of intreaty, or to the advantages of gain.—All this is so notorious and so important in its consequences, that the calumny of the British Spy in this instance, can be defeated, ridiculed and exposed by the most humble capacity.

Although I do not justify the opinions of these patriots who spurn such advantages, and set up their political dogmas against the common sense and feelings of mankind, and am well convinced that they are in an egregious error, yet I cannot help applauding their firmness and disinterested devotion to their tenets, when that very devotion injures themselves and degrades and impoverishes their country. If this is not *amor patriæ*, I hope some one, who is wiser than I am, will say what it is.

"*Indeed from the very genius of the government, by which all the public characters are at short periodical elections evolved, from the body of the people, it cannot but happen, that the councils of the state must take the impulse of the private propensities of the country.* Hence Virginia exhibits no great public improvements; *hence, in spite of her wealth, every part of the country manifests her sufferings, either from the penury of her guardians, or their want of that attention and noble pride wherewith it is their duty to consult her appearance.*"

I shall be glad to know, on which of the Richmond hills the British Spy was sitting, when he wrote the following beautiful sentence, which does not command a view of the Capitol, the Penitentiary, the Armoury, the public Warehouse, or the Canal, which is so often covered with the bustling watermen, who convey to this place the abundant produce of the upper country.

"*Over this hill on which I am now sitting and writing at my ease, and from which I look with delight on the landscape that smiles around me; over this hill and over this landscape, the billows of the Ocean have rolled with wild and dreadful fury, while the Leviathan, the Whale, and the monsters of the deep, have disported themselves amid the fearful tempest.*"

I believe there is not a hill in, or near Richmond, which commands a view of the landscape below, which does not also command a view of some of the public edifices and improvements, to which I have just alluded. What then will his admirers say, in favor of their hero, the British Spy, when the following falsehood is presented to view and to consideration, completely *denudated* and divested of all the *paraphernalia* of words, with which the British Spy is wont to mantle his errors.

"*Virginia exhibits no great public improvement.*" Will Martinus Scriblerus, or any other eulogist or admirer of the British Spy, come forth and say, that this assertion is true? Surely not. And without any apology to Mr. Samuel Pleasants, who first set this falsehood afloat, or to the other printers in Virginia, who have followed the example, I say that the assertion is false, and every person, who has been or may be concerned in propagating it, ought to be ashamed of themselves. Stop, I beseech you reader, as you pass the Capitol, and behold it; go from thence to the Canal; from thence to the Armoury, and from thence to the Penitentiary; reflect upon the magnificence and the importance of these improvements; that they have cost but little less than one million of dollars; and what then will be your feelings towards these writers and printers who are such enemies to the respectability of your state, that they are not contented to *Spy out the nakedness of the land* and to proclaim it to all the world, but they also endeavor to convert the most laudable, *magnificent* and meritorious undertakings into objects of derision and contempt. Is there another spot in the United States, where there can be seen at a single view, so many grand and costly improvements, the City of Washington excepted? I believe not. And yet the British Spy, while he was sitting upon a hill within full view of all these, could not see them.

He then proceeds: "*The very few public works which have been set on foot, instead of being carried on with spirit, are permitted to languish and pine, and creep feebly along, in such a manner, that the first part of an edifice grows grey with age, and almost tumbles in ruins, before the last part is lifted from the dust.*"

This is another handsome sentence, without any other merit. These sentences reminds me of the fox with the barber's block, when he said, "What pity that so fine a head should have no brains." Let any man, who is disposed to have even suspicions, go to the Capitol, to the Armoury, to the Basin of the Canal, and to the Penitentiary, and examine them; the Capitol in particular, from the garret to the lower floor, and shew the part of it which pines, or creeps, or grows grey with rust. Even the garret is converted into a magazine for arms, where about 8000 muskets, standing in the most beautiful order, are cleaned and polished so well, that the very glitter almost dazzles the eye of the beholder, and affords so fine an occasion to applaud the taste, industry and attention of that vigilant and active officer, who has the charge of them.

When the British Spy was in Richmond, did he pry into this place; did he see the arms; did he pay a moment's attention to the order in which they are arranged; did he perceive any rust upon a single musket? If he did, I am sure that Col. Quarrier would have thanked him to shew it, that one of the persons, who are employed in that duty, might at once restore it to brightness.

It is true that the public have been sometimes imposed upon and cheated by those whom they have employed to execute public work; notwithstanding this they have gone on with an eye steady to the object.

"*Her highest officers are sustained with so avaricious, so niggardly a hand, that if they are not driven to subsist on roots and drink ditch water, with old Fabricius, it is not for the want of republican economy, in the projectors of the salaries.*"

This last sentence is what we plain people call killing two birds with one stone; that is, the writer has attempted, according to his invariable plan, to disgrace and degrade the state, on account of our avariciousness, and at the same time he endeavors to depreciate republicanism. These, you have been before told, were objects, which he never lost sight of. And I defy any man to shew a page in the whole performance, except those remarks which he has made concerning the theory of the earth, which does not contain something of this sort. As to the provision which is made to pay public officers, I must judge from appearances, and these teach me, that the officers are well paid, otherwise there would not be a host of candidates for every vancancy. It is said that the members of the council get too little, yet if there be a vacancy, we find a great many men of talents and good fame, becoming candidates for the vacancy. The principles of our government are republican, and so should be all its practices. Let the salaries be raised and you immediately open the door to luxury, which leads to dissipation and immorality, which will very soon sap, not only the principles of republicanism, but may lead to upstart aristocracies and petty tyrannies. Then it will be that the humble *tenants will approach the great house, cap in hand, with all the fearful, trembling submission of the lowest feudal vassals.*

FAIR PLAY.

(To be continued.)

To the Editor of the Virginia Gazette.

As a member of an extensive community, alike with others interested in its concerns, I beg to be indulged in the exercise of a common right, of expressing whatever sentiments shall be inspired by the public topics of the times, or by the public discussions of a character contemplated for *promotion* to an higher office of government—And since the journals of the Legislature present the subject, I deem it a proper duty to offer with becoming respect, some few remarks touching the same.

That a charge so seriously mischievous in its end, and dishonorable in its aim, should be advanced by (probably) a chosen leader of an abandoned and lawless fraternity to affect a fair reputation, is what, after the *Jeoffroy* example, might be expected—but that the enlightened representatives of a liberal people—or a distinguished luminary, modestly assuming the proud title of "*Verus*," should so far *belittle* themselves and an independent ministry of the laws, by the formality of public investigation, is what, for the honor of my country, and due homage to exemplary virtue, I blush to own.

I had ever understood it as a maxim, "that no character, however immaculate, was ever the better for being handled." In the present case, no doubt, disgust and indignation alternately goad the honest sensibility of the able and upright judge, whilst shame and confusion overshadow his friends, lest the *famous Langhorne*, haunting them in dreams of fraud and treachery, may heap insult on injury by a cruel effort at reparation.

After the apparent candor of "Verus," let us pause, and wait the events of time. I will not awaken even a suspicion of his *motive*; nor would I hazard one as to *vicus* beyond a late display of *influence*; but instead of *committing* a charge so manifestly founded in vice, I would, if possible, obliterate every vestige of an affair at once so delicate and disgraceful—and exalt to *supreme honors*, him whose conduct had been pre-eminently marked by a sacred sense of duty, and whose superior qualifications demand the preference.

VICARIUS.

To Correspondents.

Spectator, in answer to *A Citizen of Virginia*, is unavoidably postponed until Saturday.

For the VIRGINIA GAZETTE.

Errata in Martinus Scriblerus' note conciliatory to Fair Play.

First line, for 'Eurudite,' read 'Erudite.'

First column, 5th paragraph, for 'Pere to Bathos,' read 'Peri To Bathos.' Same column, 6th paragraph, for 'mounting, ardent and *imperial*,' read 'mounting ardent and *empyreal*.'

Same column and paragraph, for 'thou proceedeth,' read 'thou proceedest.'

Second column, 1st paragraph, for 'facts standeth,' read 'fact standeth.' Same column and paragraph; instead of 'so fit a subject for the humour stirring pen of a Swift *on* the mimic pencil of a Foote,' read 'so fit a subject for the humour-stirring pen of a Swift *or* the mimic pencil of a Foote.'

Same column and paragraph, for 'Martinus Scriblerus,' read Martinus Scriblerus.'

Third column, at the top; instead of 'Signors Falconi, *Premo* and Elliott,' read 'Signors Falconi, Rannie and Elliott."

Last paragraph, instead of 'delicate irradiations of Attic *art*,' read 'delicate irradiations of Attic *wit*.'

[☞ The extreme haste in which our paper that contained Martinus Scriblerus' "Note conciliatory to Fair Play" was put to press, and the late hour at which his manuscript was received, will, it is hoped, operate as an excuse for those typographical errors which were inadvertently made.]

MARRIED—On the 20th inst. Mr. JAMES OGILVIE, of this city, to Miss SALLY WILKINSON, of New-Kent.

——, On Thursday the 22d instant, Mr. BASIL BROWN, of King William, to the amiable Miss FANNY R. DANDRIDGE, daughter of Captain JOHN DANDRIDGE, of Henrico county.

Extracts of a letter from Mr. Robert Duncan, of Louisa, to Nathaniel Pope, Esq. of Hanover, dated 23d December, 1803.

"I am free to declare to you and to mankind in general, that your management of my business, intrusted in your hands, meets my approbation in every respect; therefore I have sent you a certificate to this effect.

"I will always be happy to do every justice to you as a person, who has uniformly merited the approbation, utmost confidence and esteem of

"Sir, your's with sincere regard,

"ROB'T. DUNCAN."

The above are extracts of a letter from Mr. Robert Duncan of Louisa, to Mr. Nath'l. Pope, of Hanover, dated as above.

THO'S. PRICE.

From Boston, Dec. 13

Capt. Hoyt, who sailed from Rotterdam on the 29th of Oct. informs, that arrangements at that time were actively making for the descent on England. The Carpenters in the Navy-Yard and private Ship Yards, were all employed in building boats for the expidition. Every fishing boat fit for sea was put in requisition. A general embargo was daily expected. The British Crouizers sink or burn all the fishing boats they can catch on the coast of Holland.

Capt. Hoyt favored us with papers to Oct. 27.

ROTTERDAM, *Oct.* 26. It is whispered that the grand expedition will not take place till March.

The Minister at War has sent fresh orders to the Generals commanding the different camps of the Army of England, to hasten as much as possible the preparations for the expidition.

The Light House at Ostend will not be lighted up any more during the war, to prevent its proving serviceable to the enemy.

We are informed, the portable House which has been built in the Rue de Buffault, is intended for the use of the First Conful during the winter campaign he intends making. It is compoied of a bed room, a closet, and a kitchen, and may be taken to pieces at will, and eafily tranfported on two poft waggons. This portable houfe is now on its way to Amiens, from whence it will be forwarded wherever occafion may require.

HAGUE *Oct.* 24. An American frigate has arrived off the Scheldt.

PARIS *Oct* 21.—The Prince of Peace has been difmiffed from the Spanifh Miniftery, at the inftance of the French Government.

A perfonal contribution has been levied on the inhabitants of Paris.

Twenty thoufand men are already encampted in the environs of Boulogne.

A company of Guide Interpreters is to be formed, to be employed in the Army of England.

The Interpreter Co ps will conlift of 117 perfons. Thofe who with a miffion muft have inhabited England, and be acquainted with its topography. The Irifhman, in France may be admitted to this Corps. The boots of their uniform are to be all Americaine.

Switzerland—The French Government have propofed to the Swifs Diet to form a defenfive treaty, and a convention for 400 troops. His Catholic Majefty has demanded that four Swifs regiment in Spain fhould be allowed to recruit throughout Switzerland. The Diet, has complied with the French propofitions.

NEW-YORK, December 15.

Those who raised and carried on the persecution against Mr. Burr, certainly did not foresee the manner in which it has terminated. They thought him an easy prey. They knew him as well long before the time they unanimously voted for him, as they have done since; but they judged him to be necessary to help themselves to rise, and that they could demolish him whenever they pleased. Mistaken men! The instrument whom they employed in the attack has been faithful and industrious. Pamphlet after pamphlet, letter after letter has been written. Behold, a pamphlet, entitled "An examination," &c. has laid all their labors prostrate in the dust, and exposed to the public ridicule and scorn, their ambitious views and projects! The question with the public has not been what Mr. Burr is, but what his opponents are, and what they mean. So rampant has been their conduct, that many of their former associates have, through conscience or shame, withdrawn from them. Thus has been verified an observation of the writer of the late pamphlet: "Baseness and iniquity," says he, are doomed by providence to bear within themselves the means of detection, and the unerring finger of justice will point to their secret views, and lead to the punishment of guilt.

The late pamphlet vindicating Mr. Burr, and developing the characters and views of those, who with iron hand, now rule the state, engrosses conversation more than the invasion of Great Britain, or than even the paradise of Louisiana. Who can the writer be? asks one. He writes with the spirit and elegance of Junius, says another. He relates some facts, and describes some characters unknown before, says a third. In short, those who read, stare at one another, as persons just awaked out of sleep, and there is an universal confusion and dismay in the *Clintonian* camp.

Often have the people been told, and often have they been solemnly counselled as to the views of those who now hold the reins of government; but they would not hearken. Behold the abject and dismal situation to which they are reduced! Let any one read the late pamphlet, entitled "An examination of the charges against Mr. Burr," &c. and he will be affrighted at the iniquitous arts by which the present rulers have raised themselves, and their shameless disregard to the public good.

Sales at Auction.

On Tuesday the 2d. day of January next, will be sold by the subscribers, without reserve, on a credit of 90 days, for notes with approved security,

EIGHT BALES,

CONTAINING superfine, fine and inferior Cloths, Caffimeres and Kerfeys. On the fame day, will be fold, without referve, for cafh, two butts old French Brandy, two pipes real Holland's Gin, & a great variety of DRY GOODS.

THOMAS TAYLOR & Co. v. M.

Richmond, 26th Dec. 1803. tds.

4439 Acres of valuable, LAND,

IN the south of Kentucky, the greater part Military, will be sold for good bonds or exchanged for property in the state of Virginia. Enquire of the Printer hereof.

December 26th, 1803.

Stray Horses.

RUN away from the stable door of the subscriber, on Thursday the 22d inftant, Two HORSES, one a dark bay, about 9 or 10 years old, blind in his left eye, branded on the left thigh with the letter Y—the other a small brown colt, 3 or 4 years old, his two hind and right fore legs white, a star in his forehead, small switch tail, nicked and lately trimmed; had on a fnaffle bridle when he went away. Whoever will give information of them, or have them delivered here, fhall be handsomely rewarded by

CHARLES SPENCER.

Richmond, Dec. 26, 1803.

NOTICE.

In the cafe of Ephraim Macquillen, a Bankrupt.

THE fubfcribers being duly appointed affignees of the eftate and effects of Ephraim Macquillen, bankrupt; all perfons indebted to the faid bankrupt, or who have any of his effects, are not to pay or deliver the fame to any perfon or perfons than the fubfcribers, or to fuch as fhall be duly authorifed by them.

JOHN CUNNINGHAM, } Affignees.
JOHN ST. JOHN, }

December 27, 1803.

Notice is hereby given,

THAT an election for Fifteen Directors of the *Marine Insurance Company of Alexandria*, will be held at the courthouse in Alexandria on Monday the 16th day of January next.

By order,

J. B. NICKOLLS, Sec'ry.

Dec. 22.

Discourse on Duelling.

THE fubfcribers to the four Difcourfes which J. OGILVIE propofes to deliver during the feffion of the Legiflature, are refpectfully informed, that the Difcourfe on Duelling, which was poftponed on the 20th inftant, in conlequence of the unfavorablenefs of the weather, will be delivered in the Capitol on Friday evening, at five o'clock.

P. S. Occafional vifitors will be furnifhed at the door with tickets of admiffion by paying 3s. for each ticket.

☞ Found, at the Theatre, on Monday night last, a large GOLD SLEEVE BUTTON, with the letters I. A. S. engraved on it. The owner may have it again by applying at this Office, and paying the expence of this advertisement.

Dec. 27.

Richmond Temporary Theatre,

On FRIDAY Evening, December 30th, 1803, will be presented, a Celebrated DRAMA, called,

The POINT of HONOR;

OR,

The SCHOOL for SOLDIERS.

A Grand Military Procession, with the regular order of leading a Deserter to execution.

To which will be added (for the first time here) the *Comic Opera*, in two acts, called,

The TURNPIKE GATE;

OR,

The WORLD in a VILLAGE.

☞ Doors to be opened at 5, and performance to begin at 6 o'clock, precisely.

*** Tickets to be had at Mr. Prichard's Book-Store, at Mr. Davis's Printing Office, and at the Theatre. Admittance One Dollar.

ALMANACS,

FOR THE YEAR 1804,

For Sale at this Office.

IRISH LINENS.

A good assortment of 7-8ths and 4-4ths wide

Irish Linens,

IN boxes of 25 to 34 pieces, purchased in Dublin in July, and imported by the ship Mercury, from Liverpool, for sale by

JOHN HENRY.

Richmond, 10th November, 1803.

GILLIAT & KIRBY,

HAVE JUST RECEIVED

By the late arrivals from London and Liverpool

A General Assortment of

Fall and Winter

GOODS,

Which they are now selling off at their usual low prices, for cash or country produce.

Richmond, September 12, 1803. *tf.*

In the case of *THOMAS HOOPER*, late a BANKRUPT.

THE Commissioners under a commission of Bankruptcy, awarded and issued forth against the said Thomas Hooper, of the city of Richmond, in the state of Virginia, merchant, intend to meet on the 29th day of December next, at 10 o'clock in the forenoon, at the Rising Sun Tavern, in the said city of Richmond, in order to make a dividend of the estate and effects of the said bankrupt; when, and where the creditors, who have not already proved their debts, are to come prepared to prove the same, or they will be excluded the benefit of the said dividend.

RICHARD DENNY.
CHARLES SPENCER. } Assignees.

Richmond, Oct. 25, 1803.

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30 Dollars Reward.

Ran away on Monday the 20th June last, a Negro Girl, called

SALLY,

LATELY the property of Mr. William Robertson, of Manchester. She is a tall, spare, black Girl, about twenty years old, stoops much, has very short knotty hair, which she attempts to make longer by platting; her nose turns up and is very thick at the end. Davy and Peter Norton, in Richmond or Manchester, are her uncles, by whom it is probable she is harbored.—She is a good semstress.

I will give the above reward to any person who will secure her in Jail so that I get her again.

JOHN GILLIAM.

Prince George, near Petersburg, July 15, 1803.

JOHN LESSLIE,

Has just received from London and Bristol, AN ELEGANT ASSORTMENT OF

Cut Glass,

In Table Setts, &c. &c. and an ample supply of

COPPER,

Raised Bottoms and Sheets—which, with his usual ASSORTMENT of

GROCERIES,

Will be sold low for Cash, Country Produce, or Acceptances payable here at 60 or 90 days.

Richmond, Oct. 7, 1803.

Tobacco Land

FOR SALE.

IN Amherst county, on Horsley's Creek, 529 acres of rich Tobacco Land, formerly the property of Mr. Daniel Warwick, and known by the name of WINCANTON. This land has the advantage of laying on the main road, leading from Amherst Court-House to Waugh's Ferry, on James River, is a valuable stand for a Country Store, with a framed house for that purpose, entirely new, and sufficiently large, having two rooms below and two above stairs, with a good brick chimney, and well under-pinned with brick, also a lumber house sixteen feet square, with a cellar of its full size walled up with stone. There is also a Taylor's and Saddler's shop, and other out houses; likewise a tolerable good dwelling house with three rooms below, and two above stairs; a kitchen, dairy, and other out houses within a mile of the store, suitable for a private family. On this tract of land there is about seventy five acres cleared; all of which is fresh and in good order for cultivation. It has also the advantage of being only seven miles from Bethel, where there is an inspection of Tobacco, and within eighteen miles of Lynchburg.

As it is presumed no person will be inclined to purchase the above without viewing the premises, they will be shewn by Messrs. Taliaferro & Loving, who live within a few miles of Wincanton, and fully empowered to make a sale; and the terms of payment may be known from them; as also on application to

Gilliat & Kirby.

Richmond, September 8th, 1803. tf

LOUIS WERCQ,

MERCHANT TAYLOR,

NOT intending to carry on his business as extensively as heretofore, informs the public, that in future he shall expect materials to be paid for, before they are made into clothes. He has on hand a supply of the best Cloths, Cassimeres, Swansdowns, Marseilles, &c. which he will sell low for cash only. All persons having claims against him will be paid on application, and those in his debt are requested to pay their accounts to him immediately.

Richmond, October 17th, 1803. 4m.

TO RENT,

THE middle tenement in the large four story Brick house nearly opposite the Post-Office, which was last occupied by Edmund W. Rootes — For terms apply to BEN. JAMES HARRIS, *or* THOMAS HARRIS.

Richmond, October 7, 1803.

WILLIAM M'CAY,

CLOCK and WATCH-MAKER,

Main street—Richmond,

TAKES this method to inform the Public, that he has just received by a late arrival from Europe, a large and general assortment of GOLD and SILVER

WATCHES,

among which are elegant repeating Watches; Ladies' Gold ditto.—Also, an elegant assortment of Seals, Keys, Chains, Watch-Makers' Tools and Materials, &c.—He has likewise a few good CLOCKS for sale—All of which he offers to dispose of on as reasonable terms, for cash, as they can be purchased in any part of the United States.

He returns his sincere thanks to his friends for the liberal encouragement he has met with since his residence in this city.

☞ CLOCKS and WATCHES repaired on the shortest notice.

Richmond, November 5th, 1803.

NOTICE.

THE subscribers and members of the Mutual Assurance Society against Fire on Buildings of the state of Virginia, are hereby requested to attend their annual general meeting, to be held in the Capitol, in the city of Richmond, on the 2d day of January next, agreeable to law. Those who do not attend in person or by proxy, will be represented by the members of the state legislature representing the counties wherein the respective members reside, or by the senator of their respective districts.

W. F. Ast

Principal agent M. A. S.

Richmond, Nov. 27, 1803

☞ The printers in this state are requested to insert the above once a week for four weeks.

NOTICE.

ALL persons having claims against the estate of MATTHEW ANDERSON, deceased late of the city of Williamsburg, are desired to make them known; and all those who are indebted, to make immediate payment to the subscriber, as indulgence cannot be given.

Robert Anderson,

Attorney in fact for S. and R. Anderson, executrixes of Matthew Anderson, dec.

Williamsburg, December 2d, 1803. ep4w.

NOTE.

HALF a dozen GIRLS, between the ages of 8 and 12 years, may be accommodated the ensuing year in a genteel family, residing in the upper end of Hanover, for the purpose of instruction. The situation is elevated and healthy, and distant from Richmond about two and thirty miles. The Girls will be taught the English and French Languages grammatically, History, Geography, Arithmetic and plain Needle Work. The charge per annum, exclusive of the French, will be 30l. paid quarterly in advance, the pupils finding their own bedding. For the French, an additional fee of 5l. will be required. Further particulars may be known on application to the printer hereof.

Music, French and Drawing.

MR. & MRS. CORNILLON,

WHO intend making their residence in this city, propose to open an Academy for teaching the Piano Forte, by Mrs. Cornillon, accompanied by the voice or otherwise; the French Language, in its purity, by mr. Cornillon; and Drawing and Pencilling on China, to a superior degree of perfection, by a French Lady, that may be expected on shortly.—Sensible of the advantages to be derived in acquiring the French Language by a residence in a French family, they would wish to accommodate as many pupils in their house as may be convenient, as soon as their furniture arrives. In the mean time they have procured a comfortable room at the Hay-Market, and an Instrument, where Mrs. Cornillon will give lessons to such as think proper to call on her, or will attend those who prefer taking lessons at home.—Their terms shall be as reasonable as any in this city. They would not presume thus to offer their services had they not it in their power to give entire satisfaction as to their moral character and habits in life, and that Mrs. Cornillon has had her acquirements from the best masters in Paris.

Liberal wages will be given for a good Cook, a Waiter and a Nurse.

N. B. Mr. Cornillon will give lessons on the German Flute and Violincello.

City of Richmond, Hay-Market, December 1st, 1803.

Virginia:

At a Superior Court of Chancery, for the Richmond District, October 1st, 1803.

BETWEEN

Charles James Macmurdo and George Fisher, Plaintiffs,

AND

Moses Austin and Bartlett Still, Defendants.

THE defendant Moses Austin, not having entered his appearance and given security according to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that he is not an inhabitant of this country: on the motion of the plaintiffs, by their counsel, it is ordered, that the said defendant do appear here on the first day of the next term, and answer the bill of the plaintiffs; and that a copy of this order be forthwith inserted in some newspaper in the city of Richmond, for two months successively, and posted at the front door of the Capitol in the said city.

A Copy—Teste,

Peter Tinsley, c. c.

By virtue of a decree of the High Court of Chancery, will be exposed to sale, to the highest bidder, on twelve months credit, at the Blacksmith's shop near Thomas Gardner's, in the upper end of Louisa county, on Saturday the 31st day of December next, the

TRACT OF LAND,

ADJOINING the lands of the said Gardner, the property of John Tabb, dec. being the tract of land which was purchased by the said Tabb of Bartholomew Dandridge—by

The Commissioners.

November 28th, 1803.

NOTICE.

To the Assignees of *Isaac McPherson, Anthony & Pleasants, Edward Hyde, Joseph Anthony, Edward Broaddus, Daniel Morgan, Julius Crump, Thomas E. Pleasants* and *Mansfield Watkins.*

YOU are hereby required to attend the commissioners named and authorised in and by the commissions of bankruptcies awarded and issued and now in prosecution against the said Isaac McPherson, Anthony & Pleasants, Edward Hyde, Joseph Anthony, Edward Broaddus, Daniel Morgan, Julius Crump, Thomas E. Pleasants, and Mansfield Watkins, on the 12th day of January, 1804, at their office in the city of Richmond, at ten o'clock in the forenoon, to shew cause why notice has not been given by you for making a dividend of the estates and effects of the said bankrupts according to the act of the congress of the United States in that case made and provided, which if you fail of doing, a meeting will be forthwith appointed, by the commissioners in the said commissions named and authorised, for you to produce your receipts and payments touching the same, and to make a dividend of such part of the said estates and effects as shall appear to be remaining in your hands.

By order of the Commissioners,

Ro: Brooke, s. c.

Commissioners' Office, Richmond, November 16th, 1803.

FRANCIS FOLLET,

From New-York,

HAS JUST RECEIVED A CONSIGNMENT OF A FEW BALES OF

DRY GOODS

Consisting of

Superfine Broad Cloths, Casimeres, and German Ticklenburghs;

WHICH will be sold by the Bale or Piece, at a price worthy the attention of those who wish to purchase, for ready pay.

HE HAS

As formerly advertised,

A GENERAL ASSORTMENT OF

JEWELLERY;

SILVER, PLATED, JAPANNED, & CUTLERY WARE—GOLD & SILVER WATCHES, &c.

ALL of which being laid in on the best terms, can and will be sold as low as in any market in the United States.

Richmond, Nov. 26, 1803.

THE SUBSCRIBER

OFFERS FOR SALE,

VERY LOW INDEED,

FOURTH proof French Brandy, by the pipe.
Second proof Holland Gin, by the pipe.
Best Green Coffee, by the hhd.
New-England Rum, by the hhd.
Sherry Wine, (best quality) by the quarter Cask.
Window Glass, by the box, different sizes.
Cotton Cards, assorted numbers, by the box

AND A GENERAL ASSORTMENT OF

PATENT BALANCES.

E. W. ROOTES.

November 30th, 1803.

NOTICE.

THE acting executors of George Nicolson, deceased, and his surviving partners, hereby notify the purchasers of slaves belonging to the late Rope Walk concern, that their bonds are placed in the hands of our attorney, Charles Copland, who is authorised to receive payment. These bonds fall due on the 12th of next month, and are to bear interest from their date, if not punctually paid. It is hoped that this will be attended to.

T. NICOLSON, A. NICOLSON, } *Acting Ex'ors.*
J. CRINGAN, W. ATCHISON, } *Surviving Partners.*

Richmond, December 12th, 1803. 1aw3w

NOTICE.

In the case of EPHRAIM MACQUILLIN, a Bankrupt.

WHEREAS a commission of bankruptcy founded upon the act of the congress of the U. States passed on the 4th day of April 1800, entitled "an act to establish an uniform system of bankruptcy throughout the United States," has been awarded and issued against *Ephraim Macquillin*, merchant, of the city of Richmond, and he having been declared a bankrupt, is hereby required to surrender himself to the commissioners in the said commission named, or a major part of them, on Thursday the 24th day of this month, on Saturday the 10th, and on Saturday the 31st days of December next, at the commissioners' office in the city of Richmond, at ten o'clock of the forenoon of each day, and make a full disclosure and discovery of his estate and effects: When and where the creditors are to come forward prepared to prove their debts; and at the second sitting to choose assignees of the said bankrupt's estate and effects; and at the last sitting the said bankrupt is required to finish his examination; and the creditors are to assent to, or dissent from, the allowance of his certificate. All persons indebted to the said bankrupt, or that have any of his effects in their hands, are not to pay or deliver the same but to him the commissioners shall appoint.

RO: BROOKE,
Secretary to the Commissioners.

Commissioners' Office, Richmond, November 19th, 1803.

ROBERT GAMBLE & SON,

Are receiving by the ship *Fame*, and other arrivals from Europe, a general assortment of

Merchandize,

SUITABLE to the season, which they are disposed to sell on moderate terms, for Cash, Country Produce, or, to *punctual customers*, on the usual credit.

Having a large and convenient WARE-HOUSE calculated to store FLOUR, &c. those who may confide Country Produce, &c. to *their* care, are assured, that their endeavours will be used to give general, satisfaction, and their charge for storage, &c. will be reasonable.

Richmond, 27th October, 1803.

TO BE SOLD,

Before the Eagle Tavern, in this city, at 12 o'clock, on Monday the 2d of January next, at public auction, seven likely

SLAVES,

BELONGING to the estate of the late LEWIS BURWELL, Esq. deceased, consisting of four good BLACKSMITHS and a GARDENER, men—a Lad about 18 or 19 years old, accustomed to the care of horses, and active defultory employment, and a Girl about 13. Twelve months credit will be allowed, on bonds, to carry interest from the date, if not punctually paid, with good security residing not very distant from hence. By Mr. Burwell's will, the House and Lots where he resided in this city;—also the Lands of which he died possessed, in the counties of Culpeper and Mecklenburg, are to be sold, and will be more particularly described in a future advertisement: In the mean time, applications of those inclined to purchase will be attended to.

All persons having claims against the said estate are hereby requested to present them to

E. Carrington,
Acting Executor.

Richmond, December 1st, 1803. tds.

BARTLETT STILL,

Is opening a General Assortment of

Fancy Goods,

In the house lately occupied by Mr. Wm. Meredeth, next door to Messrs. Ellis & Allen,

—VIZ.—

Chintzes and Calicoes.	Fashionable Ribbons.
Lace Cloaks and Veils.	Silk and Cotton Trimmings.
Fine Laces & Edgings.	Satin and Lustring Umbrellas.
Lustrings and Satins.	Gloves & Glove Ties.
Silk Muslins.	Moleskin Vest Patterns.
Italian Crapes.	
Feathers and Flowers.	

Plated Ware and Jewellery.

Fine Guns & Pistols.	Gold and Silver Trimmings, new patterns.
Gold & Silver Watches, & Clocks, warranted.	

TEA, &c.

Gunpowder Tea.	perior quality.
Spanish Segars, of a fu-	

N. B.—B. S. offers his services to his friends and the public, to transact VENDUE & COMMISSION BUSINESS. Those who may please to favor him with their business, may depend on good treatment, as great exertion will be made to give satisfaction.

PRODUCE and GOODS stored and delivered on the shortest notice, by B. S.

Richmond, December 13, 1803.

The Polygraphic Physiognatrace.

J. WOOD,

INFORMS the public, that having procured a most excellent Camera Obscura, constructed on a new principle; and having made considerable improvements in his method of taking Profile Likenesses, he intends to devote the hours from nine until 12 in the morning, and from three until sun set in the afternoon, at his room above Doctor McClurg's Office, for that purpose.

Black Shades, representing the hair and drapery, neatly finished on Vellum Paper, 50 cents. Time of sitting, only one minute.

Profile Sketches in colours and black lead, 1 dollar and 50 cents. Time of sitting, 20 minutes.

Profile Likenesses finished in colours, on Vellum Paper, with a landscape back-ground, 3 dollars. Time of sitting, 20 minutes.

Ditto on Ivory, 10 dollars. Two sittings, 20 minutes each time.

N. B. J. WOOD purposes to open a class for instructing gentlemen in the different branches of Drawing, on Wednesday the 14th instant, at 7 in the evening. Terms of teaching four lessons in the week at 3 dollars per month, paid at entrance.

Private instruction in Drawing and Geography, at the usual prices.

Richmond, December 12, 1803. 4w.

LAND FOR SALE.

Pursuant to a decree of King and Queen county court, the LAND on which the late col. Philip Taliaferro resided,

WILL BE EXPOSED TO SALE,

ON the premises, for ready money, on Friday, the 20th day of January next, if fair, if not, on the next fair day.

THE COMMISSIONERS.

December 13, 1803.

Twenty Dollars Reward.

RUN away from the subscriber, (living at King William courthouse, Virginia) on Wednesday the 7th inst. a mulatto boy named JACK, about six feet two or three inches high, slender made, and remarkably large feet, between nineteen and twenty years of age; had on when he went away, a short brown coat, a swansdown waistcoat striped red and black, and a pair of corduroy pantaloons. He carried off with him a variety of other clothes, among which was a swansdown waistcoat lined with black flannel. He has a father living at Mr. Benjamin Waller's near Williamsburg, about which place he is now probably lurking. Whoever will deliver the said boy to me, or secure him in any jail so that I get him again, shall receive the above reward, with all reasonable charges.

MADISON LIPSCOMB.

King William Courthouse, Dec. 13, 1803. 12awpgw.

ROBERT JOHNSTON,

Has received from *London* and *Liverpool*, a well selected assortment of

FALL & FASHIONABLE

GOODS,

Which he will dispose of on the most reasonable terms.

He has on hand a few elegant

LOOKING GLASSES,

In burnished Gold Frames;

THERMOMETERS, &c. &c.

R. J. has rented a commodious Lumber-House, near the Basin, where he will receive Produce on Storage or Commission. Persons inclined to intrust their property to his care, may depend on the strictest attention to their interest.

Richmond, October 25. oawtf.